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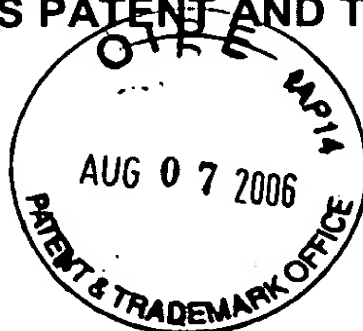
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HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Gary Como et al.

Appln. No.: 09/710,154

Filed: November 9, 2000

For: METHOD AND SYSTEM FOR BUSINESS  
PLANNING VIA A COMMUNICATIONS  
NETWORKExaminer: Robinson Boyce,  
Akiba K.

Art Unit: 3623

Attorney Docket No: 10022/18

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Interview Summary.  
☒ Return Receipt Postcard.

## Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

John C. Freeman, Esq. (Reg. No. 34,483)

August 7, 2006  
DateBRINKS HOFER GILSON & LIONE  
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599BRINKS  
HOFER  
GILSON  
& LIONE



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Our Case No. 10022/18

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Gary Como et al.	)	
	)	Examiner: Robinson Boyce, Akiba K.
Serial No. 09/710,154	)	
	)	Group Art Unit No. 3623
Filing Date: November 9, 2000	)	
	)	
For METHOD AND SYSTEM FOR	)	
BUSINESS PLANNING VIA A	)	
COMMUNICATIONS NETWORK	)	

**INTERVIEW SUMMARY**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in order to memorialize certain telephonic conversations held on August 1, 2006 between the undersigned and personnel of the U.S. Patent Office regarding the above mentioned patent application.

On August 1, 2006, the undersigned talked with Supervisory Patent Examiner John W. Hayes via telephone regarding the above mentioned patent application. During our conversation, the undersigned went through the prosecution of the patent application from the Final Office Action mailed on January 25, 2005 to the latest Office Action mailed on May 19, 2006. The undersigned highlighted claim 1 as an example of improper patent prosecution occurring in the patent application. The undersigned pointed

out that claim 1 was rejected in the January 25, 2005 Final Office Action under 35 U.S.C. § 103 as being obvious in view of Wong alone. After Applicants filed an Appeal Brief, a non-final Office Action was mailed on June 16, 2005 wherein claim 1 was rejected under 35 U.S.C. § 103 as being obvious in view of Wong and Boris. After Applicants filed a second Appeal Brief, a non-final Office Action was mailed on November 29, 2005 wherein claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by the same Wong reference that was previously characterized as non-anticipatory. Applicants filed a third Appeal Brief. The undersigned stated to Examiner Hayes that the order and logic of the rejections made no sense.

Examiner Hayes said that with each Appeal Brief filed by the Applicants a Pre-Appeal Brief conference was held with three Examiners. During such a conference the Examiners would either pull the application for further prosecution or allow the case. The application would be pulled if better arguments were available. I asked Examiner Hayes how the conference withdrew two rejections under §103 based on Wong but endorsed a rejection based on Wong under §102(e). Examiner Hayes had no good reason for the actions of the conference.

The undersigned next explained his concern that should he file a response to the latest Office Action mailed on May 19, 2006 (mailed in response to the third Appeal Brief mentioned previously), then the Wong reference would be applied again. The

undersigned asked for assurances that Wong would not be applied again in a future Office Action. Examiner Hayes stated he could not do so. However, Examiner Hayes said that he would be willing to mail an Interview Summary indicating that Wong did not render the claims unpatentable in the manner recited in the previous Office Actions mailed on January 25, 2005, June 16, 2005 and November 29, 2005. The undersigned indicated that such an Interview Summary would be acceptable.

With the above said, the undersigned next discussed the Office Action of May 19, 2006. The undersigned explained that Magee did not qualify as prior art since it had a filing date (July 3, 2001) which was later than the November 9, 2000 filing date of the above mentioned patent application. Faced with the fact that the three Appeal Briefs showed that the claims were patentable over the references cited and the fact that the latest search by the Examiner determined that the best reference available was one that did not even qualify as prior art, the undersigned asked that the case be allowed.

Examine Hayes would not go that far. Examiner Hayes said he did not “feel” comfortable with allowing the claims in their present form and needed to conduct a further search. Examiner Hayes said it looked like the Examiner needed help with conducting a further search. The undersigned explained that “feeling” a claim was unpatentable was not the proper standard for examination. The undersigned also said that a search was performed by the Examiner and she found Magee. The undersigned asserted

that no further searches were needed and the claims should be allowed. The undersigned added that at worst the claims should go to Appeal. The undersigned also explained that either the claims should go to Appeal or be allowed, period. The undersigned asserted that no further Office Actions or searches were warranted. Examiner Hayes insisted that a new search would be needed. At this part of the conversation, the undersigned said that he would need to talk to the Group Director regarding the application.

Shortly after talking with Examiner Hayes, the undersigned talked with Group Director Wynn Coggins (571-272-5350) on August 1, 2006 via telephone. She indicated that she understood the position of the undersigned and she apologized for the delay in prosecuting the patent application. The undersigned again summarized the rejections of claim 1 through each Appeal Brief in an attempt to show the delay was unreasonable. The undersigned also confirmed that the latest Office Action mailed on May 19, 2006 contained rejections based on an improper reference.

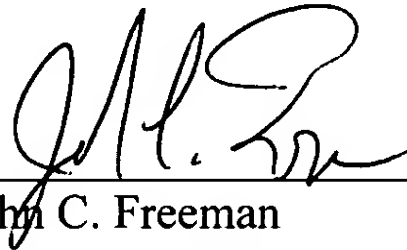
Based on the history of the case, Group Director Coggins promised to have a new search performed and the case would be either allowed or an Office Action would be rendered that would be sufficient in itself to go to Appeal without further Office Actions. Upon hearing this proposal, the undersigned expressed his disapproval in that a search had already been performed and so the case should be allowed or the Office Action should be withdrawn so that the case could go to Appeal. Group Director Coggins stated

that this was the best deal she could offer.

Group Director Coggins also indicated that the undersigned was to call her directly if a subsequent Office Action was rendered and it was flawed on its face so not to be a good candidate to win on Appeal. With that said, the conversation ended.

With the above conversations in mind, the undersigned awaits the next action from the U.S. Patent Office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.C. Freeman", is written over a horizontal line.

John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

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Dated: August 7, 2006